

(2014) 05 SHI CK 0048
In the High Court Of Himachal Pradesh
Case No : CWP No. 8162 of 2013

Anuradha Pandit

APPELLANT

Vs

CSK H.P. K.V.V. Palampur and Another

RESPONDENT

Date of Decision : 13-05-2014

Acts Referred:

Citation : (2014) 05 SHI CK 0048

Hon'ble Judges : Dharam Chand Chaudhary, J

Bench : Single Bench

Advocate : Surinder Saklani, Advocate for the Appellant; L.N. Sharma, Advocate for Respondent No. 1 and Mr. Vishwa Bhushan, Advocate for Respondent No. 2, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Dharam Chand Chaudhary, J.—Petitioner is aggrieved by the issuance of First Rank Holder Certificate to 2nd respondent by the 1st respondent-University. She, therefore, has filed this petition with the following prayers:-

- i) That a writ of certiorari may very kindly be issued and the rules framed by the Committee by ignoring/sidelining the true spirit/sanctity of Academic relations may very kindly be declared null and void and be struck down.
- ii) That a writ of mandamus may very kindly be issued thereby directing the respondent-University to adhere to academic regulations 14.19.1 viz-a-viz. eligibility criteria of INSPIRE the petitioner be granted First Rank Holder Certificate as is being granted to similarly situated students vide recommendations dated 22.3.2013 of the same Committee.

2. Admittedly the petitioner and 2nd respondent did M.Sc. in the discipline of Food Science and Nutrition during the academic Sessions 2011-2013. The petitioner no doubt has passed the two years Master's degree course with 7.41/10.00 OCPA as compared to that of the private respondent i.e. 7.38/10.00 OCPA. There is again no dispute so as to the petitioner could not qualify for the

Master's degree in one go as she was declared fail in course No. STAT-501 (4 cr. Hrs.) of first semester during the 1st year of the course i.e. 2011-12. A reference in this behalf can be made to Annexure R-1, result sheet, to the reply filed on behalf of the 1st respondent-University. The petitioner was allowed to repeat the said subject in the next semester and she successfully qualified for the same with 6.8 grade point. Of course, she has completed master-degree in the aforesaid discipline well within the period of two years with an OCPA 7.41/10.00 i.e. in normal duration. The 2nd respondent has also completed her Master's degree within the normal time.

3. The Ministry of Science and Technology, Government of India has issued an advertisement Annexure R-5 inviting thereby applications for the grant of inspire scholarship. The eligibility criteria reads as follows:-

Applications are invited from:

1. INSPIRE Scholars having secured minimum 65% marks in aggregate at two years M.Sc. or 5 years integrated M.S./M.Sc. courses, and;
2. First Rank holders in the Post Graduate Degrees in Basic/Applied Sciences OR Graduate Degree in Engineering Sciences/Medical Sciences/Pharmaceutical Sciences/Agricultural Sciences/Veterinary Sciences of any recognized Indian University or Institute/Statutory Body in India.
4. It is seen that only First Rank Holder students in post Graduate Course(s) were eligible to submit applications for the grant of INSPIRE Scholarship. The University has its own Academic Regulations governing the procedure to be followed in the matter of declaration of First Rank Holders. Reference in this behalf has to be made to Regulation 5.2(i) & (ii), which reads as follows:

5.2 Repeating of Course

A student who has passed a course but secured grade point less than 5.5 in undergraduate and 6.5 in postgraduate programmes shall be allowed to repeat that course with the prior permission of the concerned Dean subject to the following conditions:

- i) The repetition shall be allowed only once.
- ii) The repetition shall be permitted only to enable the student to fulfill the minimum grade point average requirement and not for the improvement of the grade point average for enabling him/her to qualify for the award of scholarship, fellowship or for competing for a "Certificate of Honour" or for a position in the University.

5. It is seen from the above provisions that a student, who has completed Master's degree by repeating any course is not qualified for the award of Scholarship fellowship or for competition qua issuance of certificate of honour or for some position in the University.

6. The petitioner and 2nd respondent both seem to have approached for issuance of First Rank Holder certificate to respondent No. 1-University. The matter was submitted to a Committee headed by Dr. Kamlesh Singh Rana, Dean, Post Graduate Courses. The Committee has considered the matter in the light of academic regulations 5.2(ii) supra and also 4.4(ii) and 16.9 of the academic regulations and recommended to issue the First Rank Holder certificate in the discipline of M.Sc. in Food Science and Nutrition for the academic Session 2011-2013 to the 2nd respondent, who cleared all her courses in first attempt within the normal duration of two years degree programme. Consequently, the 2nd respondent has submitted an application for the grant of INSPIRE Scholarship in terms of the advertisement Annexure R-5. Her case, however, has not yet been finalized by the Ministry of Science and Technology may be due to the reason that the petitioner appears to have made some representation to the Ministry of Science and Technology, Government of India as is apparent from the communication Annexure P-8, dated 30.7.2013 addressed to respondent No. 1. This communication reveals that the 1st respondent has been requested to justify the issuance of certificate to 2nd respondent when the petitioner on the basis of her score in the course is topper and also that till the issue is not finally decided by the Ministry, not to release the INSPIRE fellowship to the 2nd respondent.

7. Learned counsel on both sides have submitted that action pursuant to Annexure P-8 is still awaited, meaning thereby that the question of issuance of First Rank Holder Certificate is still pending and not finalized. The petition, at this stage, therefore, is premature. The same though is dismissed, however, with a direction to the respondent-University to take final decision in the matter as desired by the Ministry of Science and Technology vide Annexure P-8 at the earliest. The petitioner will be at liberty to approach this Court again, if still feels aggrieved and dissatisfied by the decision taken by the respondent-University and for that matter by the Ministry also, in the matter. Pending application(s), if any, shall also stand disposed of.